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RECEIVED

January 4, 2000

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The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 12th Street, SW, 8th Floor
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket 99-168

Dear Chairman Kennard:

The Industrial Telecommunications Association, Inc. (ITA) and the Personal Communications Industry Association (PCIA) represent the interests of private wireless licensees and private carriers, a Federal Communications Commission constituency who utilize spectrum to support the well being of virtually every American citizen.

The Commission is now in the final stages of deliberating on how best to allocate 36 MHz of spectrum in the 746-806 MHz band, while at the same time endeavoring to ensure interference-free operation for public safety users in the 24 MHz of spectrum already assigned in the 746-806 MHz band. Freespace has recently inundated the Commission with *ex parte* filings proposing to modify the technical specifications of its proposed use of the public safety "guard band" making it difficult, if not impossible, to analyze the viability of the Freespace proposals. In essence, Freespace's technical specifications have become a moving target – and one that changes daily. The Commission must not allow Freespace's numerous changes to its technical specifications to distract it from managing the spectrum in a manner that benefits all commercial uses of the spectrum – not just one new technology – and providing the necessary interference protection to public safety users. The Commission should, instead, remember that the band manager concept is a new and innovative approach to spectrum management that has the potential to benefit an entire industry.

Moreover, lacking a stable technical proposal, Freespace has resorted to attacking the band manager proposal claiming it "could result in scenarios not being anticipated by the public safety community." Freespace further argues that to maximize its returns from buying the license, the band manager would "have an incentive to use the spectrum pervasively across the license territory" rather than under the current scenario "in which PMRS is deployed in only discrete areas." These allegations are wholly without merit. The band manager would be responsible for engineering-in these systems in a manner that is virtually identical to the function

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currently performed by frequency coordinators. Unlike the system proposed by Freespace, which must have wider-coverage area to appeal to the widest variety of possible users, the systems coordinated by the band manager will only be sublet for the actual service area which is needed by the user with the type of technology which best serves that user's communications needs. Whether the system is a campus system, a ribbon configuration, or a data dispatch system, these systems can (and will) be "coordinated around" public safety users, ensuring the application of a time-tested mechanism to protect public safety users while providing the most versatile use of the spectrum.¹

To that end, ITA and PCIA agree that there must be database containing state and local public safety systems, as well a database containing the systems coordinated by the band manager. Further, there must be a daily flow of information, both incoming and outgoing, between the two databases to ensure complete accuracy of the data included in both systems. As the Commission is aware, such a database for public safety systems already exists – the APCO database. We also note that both ITA and PCIA, as frequency coordinators, have extensive experience in the creation and maintenance of a database, as well as existing mechanisms for the daily exchange of data with the public safety database.

Both ITA and PCIA strongly support any action that would make spectrum available in the 746-806 MHz band for a band manager. We urge the Commission not to fall prey to representations by commenters that are not substantiated by either the record or the proposed technology in an effort by these commenters to suppress the consideration of the band manager proposal. Instead, we offer the Commission a decades tested and proven methodology for interference protection for public safety systems, while providing the Commission with the unique opportunity to test a new and innovative approach to spectrum management .

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As always, please feel free to contact the undersigned if we can be of further assistance.

Sincerely,

/s/ Mark E. Crosby

Mark E. Crosby

Industrial Telecommunications Association, Inc.

/s/ Mary McDermott

Mary McDermott

Personal Communications Industry Association

¹ We understand the Commission is considering seeking additional comment on the disposition of the 6 MHz of spectrum in the proposed "guard band" for public safety. We do not believe that this is necessary as the record is complete and any additional information submitted will simply be a reiteration of positions previously vetted before the Commission on this matter. Instead, we urge the Commission to move forward with the allocation and assignment of the entire 36 MHz of spectrum in the 746-806 MHz band.